

Message Text

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ORIGIN L-02

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FM SECSTATE WASHDC

TO AMEMBASSY SEOUL

INFO AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: PINT, PFOR, KS

SUBJECT: INTERPRETATION OF ANTI-SLANDER LAW

REF: A. SEOUL 3320 B. SEOUL 1970

1. DESPITE ASSURANCES THAT ANTI-SLANDER LAW WILL NOT APPLY TO FOREIGNERS MOFA NOTE CONVEYED REF A DOES NOT, OF COURSE, REMOVE OUR OTHER SUBSTANTIAL CONCERNS WITH REGARD TO LAW. AT EARLY OCCASION, EMBASSY SHOULD CONVEY TO MOFA OUR CONCERNS OVER THIS LAW AND ANY ATTEMPT TO APPLY IT TO AMERICAN CITIZENS OR TO KOREANS FOR THEIR ACTIVITIES IN THE UNITED STATES. MOFA SHOULD ALSO BE REMINDED THAT EXISTENCE OF LAW AND ROKG OFFICIAL INTERPRETATION CREATES SERIOUS PROBLEMS WITH REGARD TO ROK CITIZENS REQUESTING ASYLUM IN US.

2. WHEN ASKED HERE, WE WILL CONVEY SUBSTANCE OF NOTE TO AMCITS WITH DUAL NATIONALITY AND KOREAN NATIONALS IN
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US. FURTHER WE WILL INFORM US PRESS WHO ASKED TO BE

NOTIFIED OF RESULTS OF OUR EARLIER INQUIRIES.

3. IF ASKED, EMB SHOULD SIMILARLY INFORM AMERICAN EMPLOYEES OF KOREAN "DOMESTIC PERSONS" OF SUBSTANCE OF MOFA NOTE. US MEDIA EMPLOYING LOCAL STRINGERS MAY BE PARTICULARLY CONCERNED. DESPITE UNOFFICIAL ATTEMPT TO

ASSURE MEDIA REPORTED REF B, MOFA NOTE APPEARS CLEARLY TO LEAVE OPEN POSSIBILITY OF PROSECUTIONS OF SUCH EMPLOYEES.

4. IN RESPONDING TO INQUIRIES, WE DO NOT WISH TO APPEAR TO BE ASSISTING ROKG IN ANY MANNER IN REPRESSING FREE SPEECH IN KOREA OR THE UNITED STATES. IN ANY EXPLANATIONS, WE MUST THEREFORE SPECIFICALLY DISCLAIM ANY INTENTION OF INFLUENCING ANYONE'S SPEECH OR CONDUCT, AND SIMPLY SAY THAT THIS IS WHAT ROKG HAS OFFICIALLY TOLD US ABOUT INTERPRETATION OF ANTI-SLANDER LAW. IF ASKED FOR USG VIEWS ON LAW, EMBASSY SHOULD POINT TO OUR TRADITIONAL SUPPORT FOR RIGHT OF FREE SPEECH AND PEACEFUL DISSENT. KISSINGER

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